

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

MATTHEW REED,

Plaintiff,

v.

Case No. 2:18-cv-01297

**WEST VIRGINIA DIVISION OF CORRECTIONS
AND REHABILITATION, *et al.*,**

Defendant.

ORDER TRANSFERRING CASE

This matter is assigned to the Honorable Thomas E. Johnston, Chief United States District Judge, and it is referred to the undersigned United States Magistrate Judge for initial review and submission of proposed findings and a recommendation for disposition pursuant to 28 U.S.C. § 636(b).

On September 14, 2018, the plaintiff filed an Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1) and a Complaint (ECF No. 2), which concerns his conditions of confinement at the Huttonsville Correctional Center (“HCC”), where he is presently incarcerated. HCC is located within the jurisdiction of the United States District Court for the Northern District of West Virginia.

Section 1406(a) of Title 28 of the United States Code provides as follows:

The district court of a district in which is filed a case laying in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

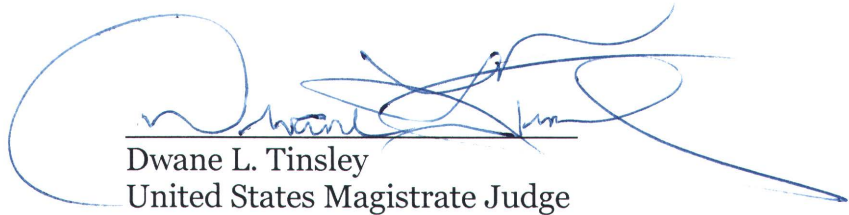
28 U.S.C. § 1406(a).

The undersigned **FINDS** that, pursuant to the section 1406(a), it is in the interest of justice that this matter be transferred to the United States District Court for the Northern District of West Virginia, which is the district in which this matter could have been brought and is the court of proper jurisdiction. Accordingly, it is hereby **ORDERED** that this matter be transferred to the United States District Court for the Northern District of West Virginia, Elkins Division, P.O. Box 1518, Elkins, WV 26241, for additional proceedings.

The plaintiff is directed to address any further information concerning this matter to that court, which will assign the case a new case number and take any further action as the court deems necessary.¹

The Clerk is directed to mail a copy of this Order to the plaintiff.

ENTER: October 10, 2018


Dwane L. Tinsley
United States Magistrate Judge

¹ The undersigned has taken no action on the plaintiff's Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1).